

May 15, 2014

Mr. Rick Richardson  
Richardson Engineering, LLC  
30 E. Padonia Road, Suite 500  
Timonium, MD 21093

Re: Siciliano Property  
Critical Area Administrative Variance  
Tracking Number 06-14-1783

Dear Mr. Richardson:

The Department of Environmental Protection and Sustainability (EPS) has received your variance request to impact 1,321 square feet of the 100-foot buffer for the construction of an attached deck on an existing dwelling and to impact 268 square feet of the 100-foot buffer for the construction of an attached deck on an existing garage. The property is developed with a house, detached garage, and driveway and is mostly within the 100-foot buffer. The property is within a Limited Development Area (LDA).

The Director of EPS may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. The property is an existing developed residential property. Stormwater management will be added through the construction of a gravel wetland, although it is not required. Lot coverage will be reduced 209 square feet within the buffer and 498 square feet overall. The first story of the house is elevated and the attached deck will provide access to the outside from elevated sliding glass doors. The second story deck on the garage will provide access for living quarters above the garage. Not to allow access from these elevated doorways would result in an unwarranted hardship. Therefore, the first criterion is met.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. This variance would allow for the addition of a deck on the dwelling and on the garage, much as other properties are used in the immediate area, as well as the addition of

stormwater management and removal of lot coverage. A similar variance would be granted to another property owner under similar circumstances. Therefore, this criterion is met.

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Granting of this variance will not confer upon the applicant any special privilege that would be denied to other lands or structures within the Critical Area. Addition of a deck to allow elevated doorways to be used for ingress and egress is not a special privilege. The property owner proposes to incorporate stormwater management and to reduce overall lot coverage. Therefore, this criterion has been met.

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. This variance is not based upon conditions or circumstances which are the result of actions by the applicant and/or property owners. Therefore, the fourth criterion has been met.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. The addition of stormwater management and reduction of lot coverage on site will improve water quality and habitat. The redevelopment includes reduction of lot coverage within the buffer and overall site, and so will not adversely affect water quality, fish, plant, or wildlife habitat. The applicant proposes to provide mitigation for buffer impacts through installation of a gravel wetland and removal of lot coverage. With the mitigation proposed by the applicant and additional buffer plantings, granting of this variance will not adversely affect water quality, or adversely impact fish, wildlife, or plant habitat.

Based upon our review, this Department finds that the first four of the above criteria have been met, and that the fifth criterion can be met by mitigating for impacts as outlined in the conditions. Therefore, the requested variance is hereby approved in accordance with Section 33-2-205 of the Baltimore County Code with the mitigation proposed by the applicant, the following conditions, and the following note added to all future plans:

1. On May 15, 2014, a variance was granted by Baltimore County Department of Environmental Protection and Sustainability from Chesapeake Bay Critical Area requirements to impact 1,321 square feet of buffer for the construction of an attached deck on an existing dwelling and to impact 263 square feet of buffer for construction of a deck attached to a garage.

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2. Mitigation of 3,168 square feet through the planting of native trees and shrubs for buffer impacts shall be provided on a revised Buffer Management Plan. A security shall be required. If all mitigation cannot be met on site, a fee-in-lieu for the remainder is acceptable.
3. A portion of the Critical Area buffer shall be recorded as a Critical Area Easement, as shown on the attached plan. An Exhibit A and corresponding covenants shall be submitted for recordation by June 30, 2014. Critical Area "Do Not Disturb" signs shall be installed at the easement limits. The locations of these signs shall be shown on the Buffer Management Plan.

It is the intent of this Department to approve this variance subject to the above conditions. Changes in site layout may require submittal of revised plans and an amended variance request.

Please sign the statement on the following page and then return the signed, original letter to this Department c/o Ms. Patricia M. Farr of Environmental Impact Review. Failure to return a signed copy of this letter may result in delays in processing of permits or other development plans for the subject property, and/or may render this variance null and void.

If you have questions regarding this project, please contact Regina Esslinger at 410-887-3980.

Sincerely,

Vincent J. Gardina  
Director

Enclosure

cc: Ms. Julie Roberts, Critical Area Commission

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We have read and agree to implement the above requirements to bring our property into compliance with Chesapeake Bay Critical Area regulations.

_____ Signature	_____ Date	_____ Signature	_____ Date
_____ Printed Name	_____ Date	_____ Printed Name	_____ Date

Siciliano Property CAAV-A 5.14.14.doc/shreir/regina/CAV